

(2) 2005 ①

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT

BILASPUR

SINGLE BENCH

W.P. No. 2112 Of 2005.

PETITIONER

PLAINTIFF

:- Dinesh Kumar Sarin, aged 45 yr.
son of shri K.L.Sarin, R/o – M/s S. Carbon,
Industrial Area, Bhanpuri, Raipur (C.G.)

V E R S U S

RESPONDENTS

- :- 1. Executive Engineer, City Division
Chhattisgarh State Electricity Board,
Raipur (C.G.)
2. Chief Engineer (Raipur area)
Gudihari Chhattisgarh State
Electricity Board, Raipur (C.G.)
3. Shriman Divisional Engineer,
Chhattisgarh State Electricity Board,
Civil Lines, Raipur (C.G.)
4. Shriman Superintending Engineer,
[City Circle], Naya Para Chhattisgarh
State Electricity Board, Raipur
[C.G.]

PETITION UNDER ARTICLES 226 AND 227 OF CONSTITUTION
OF INDIA

P.R. No. 2231/05
Presented by Shri. Dinesh Kumar Sarin
dated 27.12.05

आदेश पत्रक

मामला क्रमांक W.P.O. 2112/2005

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>15-6-2005</u> Shri H.B. Agrawal, Sr. Advocate with Ms. Sangeeta Mishra, Advcoate for the petitioner. Heard on admission. The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India being aggrieved by the order dated 31st March 2005 passed by the 12th Additional District Judge, FTC, Raipur on an application filed by the petitioner under Order 39 Rule 1 & 2 of the C.P.C. seeking temporary injunction. The petitioner filed a civil suit before the Court below for injunction and declaration that the petitioner concerned is industrial unit, therefore, the respondents should charge electrical bill at the rate fixed for the industrial unit and not at the commercial rate on the ground that the petitioner concerned is a small scale industry set up for the purpose of manufacturing of begs & roll and packing material meant for bread, biscuits, soaps, therefore, the petitioner unit must be charged with the electrical charge fixed for industrial unit and not as printing press. The petitioner concerned is registered with the Industry Department as industry. I have perused the order passed by the 3rd Civil Judge Class 2, Raipur dated 30-4-2004 whereby the trial Court rejected the application under Order 39 Rule 1 & 2 and Section 151 of the C.P.C. on the ground that as per circular dated 2-4-1976 No.5/4/37/2350 the concerned has been termed as commercial and according to that circular respondents are entitled to charge commercial rates. The trial Court reached to the conclusion that the petitioner has failed to establish a prima facie case,	

आदेश पत्रक

मामला क्रमांक सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Barve	against which the petitioner preferred an appeal and the appellate court vide its order dated 31-3-2005 affirmed the order passed by learned Civil Judge. Perusal of the order shows that even though the petitioner unit has been registered under the Industry Department, during inspection by the officials of the Electricity Board it was found that the petitioner was doing the business of printing, cutting and lamination, therefore, in view of the circular dated 2-4-1976 the petitioner unit was charged with commercial rates and at item No.10 in the said circular the printing press is shown to be charged at the commercial rates. In view of the above facts, I do not find any illegality and infirmity in the order impugned passed by the trial Court as well as appellate Court, as the petitioner has failed to make out a prima facie case. Even otherwise, the petitioner is not going to suffer irreparable loss. In case, the petitioner's suit is decreed, then he will be entitled for the adjustment of the amount if paid excess to the industrial charges. However, the trial Court will decide the suit on its own merit without being influenced by any of the observations made in this order. With the aforesaid observations, the petition stands disposed of. Consequently, M.(W.)P. No.1681/2005 and I.A. No.4046/2005 also stand disposed of.	Sd/- L.C. Bhadoo Judge

(पीठे देखिये)